

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. - Atlanta
APR 20 2023
KEVIN P. WEIMER, Clerk
By: [Signature] Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ROYKELL HOLDER

Criminal Indictment

No. **1 : 23 CR 123**

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Possession of an Unregistered Firearm – 26 U.S.C. § 5861(d))

On or about January 6, 2023, in the Northern District of Georgia, the defendant, ROYKELL HOLDER, did knowingly possess a firearm, as that term is defined in Title 26, United States Code, Sections 5845(a)(6) and (b), that is:

One (1) Diamondback Firearms LLC, Model DB9R, serial number DB9M02752, 9x19mm caliber rifle with a barrel length of 4.5 inches, that was not registered to the defendant in the National Firearms Registration and Transfer Record, all in violation of Title 26, United States Code, Section 5861(d).

COUNT TWO

(Possession of a Firearm While Under Indictment- 18 U.S.C. § 922(n))

On or about January 6, 2023, in the Northern District of Georgia, the defendant, ROYKELL HOLDER, knowing that he had previously been indicted for a crime punishable by imprisonment for a term exceeding one year, that is, Aggravated Assault, Armed Robbery and Exploitation and Intimidation of a Disabled Adult, Elder Person or Resident, on or about January 14, 2021, in Gwinnett County, Georgia, Superior Court, did knowingly possess a firearm, in and affecting interstate and foreign commerce, that is:

One (1) I. O. Inc. (Inter Ordinance), model Sporter, 7.62 x 39mm caliber rifle,

all in violation of Title 18, United States Code, Section 922(n).

Forfeiture Provision

Upon conviction of the offense set forth in this Indictment, the defendant, ROYKELL HOLDER, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved or used in the commission of the offenses, including but not limited to:

- a. One (1) Diamondback Firearms LLC, Model DB9R, serial number DB9M02752, 9x19mm caliber rifle with a barrel length of 4.5 inches.
- b. One (1) I. O. Inc. (Inter Ordinance), Model Sporter, serial number 021202, 7.62 x 39mm caliber rifle

If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided
- f. without undue complexity or difficulty,

the United States intends, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture

of any other property of the defendant up to the value of the above forfeitable property.

A True BILL
Mikel Mays
FOREPERSON

RYAN K. BUCHANAN
United States Attorney

Stephanie Gabay-Smith
STEPHANIE GABAY-SMITH
Assistant United States Attorney
Georgia Bar No. 663519
600 U.S. Courthouse
75 Ted Turner Drive SW
Atlanta, GA 30303
404-581-6000; Fax: 404-581-6181